THE

E— of C——F—D's SPEECH

IN THE

H—se of L——ds,

AGAINST THE

BILL

For Licencing all

DRAMATIC PERFORMANCES.

To which are prefixed,

Some looſe THOUGHTS,

That were found in the

CLOSET

OF A

Gentleman lately deceaſed.

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MVSEVM
BRITAN
NICVM

The following looſe Thoughts were found annexed to the E--l *of* C----f--d's *Speech, in the Cloſet of a Gentleman, lately deceaſed, which as they breathe ſome Concern for Literature, we beg leave to prefix here.*

NO one can judge ſo well of Writing, as he that has wrote: From the Scarcity of thoſe ariſes that Heart-ach, frequent with Authors, to be miſunderſtood.

When the Public take upon them to impoſe their weak Interpretation on a good Author, they remind me of the Cruelty of thoſe Tyrants, who deſtroyed the living by tying them to the dead.

We encourage a promiſing Genius, yet never reward a full-ripe one: In this we ſeem to have the Affection of Beaſts, which after nurturing up their Young, turn them off expoſed and unprotected.

Wit is the only Commodity I know of in this Country, which bears no Price becauſe it is ſcarce.

To be eminent for Learning or Goodneſs is to ſatyrize tacitly the Reſt of Mankind: The Public will not allow them their Deſerts; and why? This would be a kind of Self-condemnation.

Allegory, the Poet's Witchcraft, ſhould never be uſed in Satyr by a Writer who means to be encouraged: the innocent Author may think his vitious Character the Creation of his Brain, but he will find to his Coſt that he has only drawn a Picture: It may do in Panegyric, as good Characters are moſt frequently imaginary.

A good Author, under an Impeachment, has one Complaint which no other Subject of theſe Kingdoms can make, he is never tryed by his Peers.

A Satyriſt muſt have Powerful Enemies: *For he riſes* in Rebellion againſt his *Betters.*

As we trace the Genius of a Nation by their Taſte in Poetry and Muſic, ſo by their Encouragement of theſe we may judge of their Riſe or Fall: Good Authors have never been wanting in happy Climes: Barbariſm begins her Reign by baniſhing the Muſes.

Thoſe who have Ears to hear, let them hear!

THE

E--l of C——F——D's

SPEECH

AGAINST

Licencing the STAGE.

My Lords,

THE Bill now before you I apprehend to be of a very extraordinary, a very dangerous Nature. It ſeems deſigned not only as a Reſtraint on the Licentiouſneſs of the Stage, but it will prove a moſt arbitrary Reſtraint on the Liberty of the Stage; and, I fear, it looks yet farther, I fear, it tends towards a Reſtraint on the Liberty of the Preſs, which will be a long Stride towards the Deſtruction of Liberty itſelf. It is not only a Bill, my Lords, of a very extraordinary Nature, but it has been brought in at a very extraordinary Seaſon, and puſhed with moſt extraordinary Diſpatch. When I conſider how near it was to the End of the Seſſion, and how long this Seſſion had been protracted beyond the uſual Time of the Year; when I conſidered that this Bill paſſed through the other Houſe with ſo much Precipitancy, as even to get the Start of a Bill which deſerved all the Reſpect, and all the Diſpatch, the Forms of either Houſe of Parliament could admit of, it ſet me upon inquiring, what could be the reaſon for introducing this Bill at ſo unſeaſonable a time, and preſſing it forward in a manner ſo very ſingular and uncommon. I have made all poſſible Inquiry, and as yet

yet, I muſt confeſs, I am at a loſs to find out the great Occaſion. I have, it is true, learned from common Report without Doors, that a moſt ſeditious, a moſt heinous Farce had been offered to one of the Theatres, a Farce for which the Authors ought to be puniſhed in the moſt exemplary Manner: But what was the Conſequence? The Maſter of that Theatre behaved as he was in Duty bound, and as common Prudence directed: He not only refuſed to bring it upon the Stage, but carried it to a certain honourable Gentleman in the Adminiſtration, as the ſureſt Method of having it abſolutely ſuppreſſed. Could this be the Occaſion of introducing ſuch an extraordinary Bill, at ſuch an extraordinary Seaſon, and puſhing it in ſo extraordinary a Manner? Surely no;———The dutiful Behaviour of the Players, the prudent Caution they ſhewed upon that Occaſion, can never be a Reaſon for ſubjecting them to ſuch an arbitrary Reſtraint: It is an Argument in their Favour, and a material one, in my Opinion, againſt the Bill. Nay farther, if we conſider all Circumſtances, it is to me a full Proof that the Laws now in being are ſufficient for puniſhing thoſe Players who ſhall venture to bring any ſeditious Libel upon the Stage, and conſequently ſufficient for deterring all Players from acting any thing that may have the leaſt Tendency towards giving a reaſonable Offence.

I do not, my Lords, pretend to be a Lawyer, I do not pretend to know perfectly the Power and Extent of our Laws, but I have converſed with thoſe that do, and by them I have been told, that our Laws are ſufficient for puniſhing any Perſon that ſhall dare to repreſent upon the Stage what may appear, either by the Words or the Repreſentation, to be blaſphemous, ſeditious, or immoral. I muſt own, indeed, I have obſerved of late a remarkable Licentiouſneſs in the Stage. There have but very lately been two Plays acted, which, one would have thought, ſhould have given the greateſt Offence, and yet both were ſuffered to be often repreſented without Diſturbance, without Cenſure. In one, the Author thought fit to repreſent the three great Profeſſions, Religion, Phyſick, and the Law, as inconſiſtent with Common Senſe: In the other, a moſt tragical Story was brought upon the Stage, a Cataſtrophe too recent, too melancholy, and of too

ſolemn

ſolemn a Nature, to be heard of any where but from the Pulpit. How theſe Pieces came to paſs unpuniſhed, I do not know: If I am rightly informed, it was not for want of Law, but for want of Proſecution, without which no Law can be made effectual: But if there was any Neglect in this Caſe, I am convinced it was not with a Deſign to prepare the Minds of the People, and to make them think a new Law neceſſary.

Our Stage ought certainly, my Lords, to be kept within Bounds; but for this, our Laws as they ſtand at preſent are ſufficient: If our Stage-players at any Time exceed thoſe Bounds, they ought to be proſecuted, they may be puniſhed: We have Precedents, we have Examples of Perſons having been puniſhed for Things leſs criminal than either of the two Pieces I have mentioned. A new Law muſt therefore be unneceſſary, and in the preſent Caſe it cannot be unneceſſary without being dangerous: Every unneceſſary Reſtraint on Licentiouſneſs is a Fetter upon the Legs, is a Shackle upon the Hands of Liberty. One of the greateſt Bleſſings we enjoy, one of the greateſt Bleſſings a People, my Lords, can enjoy, is Liberty;——but every Good in this Life has its Allay of Evil:——Licentiouſneſs is the Allay of Liberty; it is an Ebullition, an Excreſcence;———it is a Speck upon the Eye of the Political Body, which I can never touch but with a gentle,————with a trembling Hand, leſt I deſtroy the Body, leſt I injure the Eye upon which it is apt to appear. If the Stage becomes at any Time licentious; if a Play appears to be a Libel upon the Government, or upon any particular Man, the King's Courts are open, the Laws are ſufficient for puniſhing the Offender; and in this Caſe the Perſon injured has a ſingular Advantage; he can be under no Difficulty to prove who is the Publiſher; the Players themſelves are the Publiſhers, and there can be no want of Evidence to convict them.

But, my Lords, ſuppoſe it true, that the Laws now in being are not ſufficient for putting a Check to or preventing the licentiouſneſs of the Stage; ſuppoſe it abſolutely neceſſary ſome new Law ſhould be made for that purpoſe; yet it muſt be granted that ſuch a Law ought to be maturely conſidered, and every

Clauſe,

Clauſe, every Sentence, nay every Word of it well weighed and examined, leſt under ſome of thoſe Methods, preſumed or pretended to be neceſſary for reſtraining licentiouſneſs, a Power ſhould lie concealed, which might be afterwards made Uſe of for giving a dangerous Wound to Liberty. Such a Law ought not to be introduced at the Cloſe of a Seſſion, nor ought we, in the paſſing of ſuch a Law, to depart from any of the Forms preſcribed by our Anceſtors for preventing Deceit and Surprize. There is ſuch a Connection between licentiouſneſs and Liberty, that it is not eaſy to correct the one, without dangerouſly wounding the other: It is extremely hard to diſtinguiſh the true limit between them: like a changeable Silk, we can eaſily ſee there are two different Colours, but we cannot eaſily diſcover where the one ends, or where the other begins.———There can be no great and immediate Danger from the licentiouſneſs of the Stage: I hope it will not be pretended that our Government may, before next Winter, be overturned by ſuch licentiouſneſs, even though our Stage were at preſent under no ſort of legal Controul. Why then may we not delay till next Seſſion paſſing any Law againſt the licentiouſneſs of the Stage? Neither our Government can be altered, nor our Conſtitution overturned by ſuch a Delay; but by paſſing a Law raſhly and unadviſedly, our Conſtitution may at once be deſtroyed, and our Government rendered arbitrary. Can we then put a ſmall, a ſhort-lived inconvenience in the Ballance with perpetual Slavery? Can it be ſuppoſed that a Parliament of *Great Britain* will ſo much as riſque the latter, for the ſake of avoiding the former?

Surely, my Lords, this is not to be expected, were the licentiouſneſs of the ſtage much greater than it is, were the inſufficiency of our Laws more obvious than can be pretended; but when we complain of the licentiouſneſs of the Stage, and of the inſufficiency of our Laws, I fear we have more Reaſon to complain of bad meaſures in our Polity, and a general Decay of Virtue and Morality among the People. In publick as well as private Life, the only way to prevent being ridiculed or cenſured, is to avoid all ridiculous or wicked Meaſures, and to purſue ſuch only as are virtuous and worthy. The People never endeavour to ridicule thoſe they love and

eſteem

eſteem, nor will they ſuffer them to be ridiculed: If any one attempts it, the Ridicule returns upon the Author he makes himſelf only the Object of publick Hatred and Contempt. The Actions or Behaviour of a private Man may paſs unobſerved, and conſequently unapplauded, uncenſured; but the Actions of thoſe in high Stations, can neither paſs without Notice, nor without cenſure or Applauſe; and therefore an Adminiſtration without Eſteem, without Authority among the People, let their Power be never ſo great, let their Power be never ſo arbitrary, they will be ridiculed: The ſevereſt Edicts, the moſt terrible Puniſhments, cannot entirely prevent it. If any Man therefore thinks he has been cenſured; if any Man thinks he has been ridiculed upon any of our publick Theatres, let him examine his Actions he will find the Cauſe, let him alter his Conduct he will find a Remedy. As no Man is perfect, as no Man is infallible, the greateſt may err, the moſt circumſpect may be guilty of ſome piece of ridiculous Behaviour. It is not Licentiouſneſs, it is an uſeful Liberty always indulged the Stage in a free Country, that ſome great Men may there meet with a juſt Reproof, which none of their Friends will be free enough or rather faithful enough to give them. Of this we have a famous inſtance in the *Roman* Hiſtory. The great *Pompey*, after the many Victories he had obtained, and the great Conqueſts he had made, had certainly a good Title to the Eſteem of the People of *Rome*; yet that great Man, by ſome Error in his Conduct, became an Object of general Diſlike; and therefore, in the Repreſentation of an old Play, when *Diphilus*, the Actor, came to repeat theſe Words, *Noſtra Miſeria tu es Magnus*, the Audience immediately applied them to *Pompey*, who at that time was as well known by the Name *Magnus*, as by the Name *Pompey*; and were ſo highly pleaſed with the Satyr, that, as *Cicero* ſays, they made the Actor repeat the Words an hundred times over: An Account of this was immediately ſent to *Pompey*, who, inſtead of reſenting it as an Injury, was ſo wiſe as to take it for a juſt Reproof: He examined his Conduct, he altered his Meaſures, he regained by degrees the Eſteem of the People, and then he neither feared the Wit, nor felt the Satyr of the Stage. This is an Example which ought to be followed by great Men in all Countries. Such Accidents will often happen in every free

free Country, and many ſuch would probably have afterwards happened at *Rome*, if they had continued to enjoy their Liberty; but this ſort of Liberty in the Stage, came ſoon after, I ſuppoſe, to be called Licentiouſneſs; for we are told that *Auguſtus*, after having eſtabliſhed his Empire, reſtored Order in *Rome* by reſtraining Licentiouſneſs. God forbid! we ſhould in this Country have Order reſtored, or Licentiouſneſs reſtrained, at ſo dear a Rate as the People of *Rome* paid for it to *Auguſtus*.

In the Caſe I have mentioned, my Lords, it was not the Poet that wrote, for it was an old Play, nor the Players that acted, for they only repeated the Words of the Play; it was the People who pointed the Satyr; and the Caſe will always be the ſame: When a Man has the Misfortune to incur the Hatred or Contempt of the People, when public Meaſures are deſpiſed, the Audience will apply what never was, what could not be deſigned as a Satyr on the preſent Times. Nay, even tho' the People ſhould not apply, thoſe who are conſcious of Guilt, thoſe who are conſcious of the Wickedneſs or Weakneſs of their own Conduct, will take to themſelves what the Author never deſigned. A public Thief is as apt to take the Satyr as he is apt to take the Money, which was never deſigned for him. We have an Inſtance of this in the Caſe of a famous Comedian of the laſt Age; a Comedian who was not only a good Poet, but an honeſt Man, and a quiet and good Subject: The famous *Moliere*, when he wrote his *Tartuffe*, which is certainly an excellent and a good moral Comedy, did not deſign to ſatirize any great Man of that Age; yet a great Man in *France* at that Time took it to himſelf, and fancied the Author had taken him as a Model for one of the principal and one of the worſt Characters in that Comedy: By good Luck he was not the Licenſer, otherwiſe the Kingdom of *France* had never had the Pleaſure, the Happineſs, I may ſay, of ſeeing that Play acted; but when the Players firſt propoſed to act it at *Paris*, he had Intereſt enough to get it forbid. *Moliere*, who knew himſelf Innocent of what was laid to his Charge, complained to his Patron the Prince of *Conti*, that as his Play was deſigned only to expoſe Hypocriſy, and a falſe Pretence to Religion, it was very hard it ſhould be forbid being acted, when at the ſame Time they were ſuffered to expoſe Religion itſelf every Night publicly upon the *Italian* Stage:

To

To which the Prince wittily anſwered, *'Tis true*, Moliere, *Harlequin ridicules Heaven, and expoſes Religion; but you have done much worſe——you have ridiculed the firſt Miniſter of Religion.*

I am as much for reſtraining the Licentiouſneſs of the Stage, and every other ſort of Licentiouſneſs, as any of your Lordſhips can be; but, my Lords, I am, I ſhall always be extremely cautious and fearful of making the leaſt Encroachment upon Liberty; and therefore, when a new Law is propoſed againſt Licentiouſneſs, I ſhall always be for conſidering it deliberately and maturely, before I venture to give my Conſent to its being paſſed. This is a ſufficient Reaſon for my being againſt paſſing this Bill at ſo unſeaſonable a Time, and in ſo extraordinary a Manner; but I have my Reaſons for being againſt the Bill itſelf, ſome of which I ſhall beg leave to explain to your Lordſhips. The Bill, my Lords, at firſt view, may ſeem to be deſigned only againſt the Stage, but to me it plainly appears to point ſomewhere elſe. It is an Arrow that does but glance upon the Stage, the mortal Wound ſeems deſigned againſt the Liberty of the Preſs. By this Bill you prevent a Play's being acted, but you do not prevent its being printed; therefore, if a Licenſe ſhould be refuſed for its being acted, we may depend on it the Play will be printed. It will be printed and publiſhed, my Lords, with the refuſal in capital Letters on the Title Page. People are always fond of what is forbidden. *Libri prohibiti* are in all Countries diligently and generally ſought after. It will be much eaſier to procure a Refuſal, than it ever was to procure a good Houſe, or a good Sale: Therefore we may expect, that Plays will be wrote on purpoſe to have a Refuſal: This will certainly procure a good Sale: Thus will Satyrs be ſpread and diſperſed through the whole Nation, and thus every Man in the Kingdom may and probably will, read for Sixpence, what a few only could have ſeen acted, and that not under the expence of half a Crown. We ſhall then be told, What! Will you allow an infamous Libel to be printed and diſperſed, which you would not allow to be acted? You have agreed to a Law for preventing its being acted, can you refuſe your Aſſent to a Law for preventing its being printed and publiſhed? I ſhould really, my Lords, be glad to hear what Excuſe, what Reaſon one could give for being againſt the latter, after having agreed to the former; for,

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I proteſt I cannot ſuggeſt to myſelf the leaſt Shadow of an excuſe. If we agree to the Bill now before us, we muſt perhaps next Seſſion, agree to a Bill for preventing any Play's being printed without a Licence. Then Satyrs will be wrote by way of Novels, ſecret Hiſtories, Dialogues, or under ſome ſuch Title; and thereupon we ſhall be told, What! will you allow an infamous Libel to be printed and diſperſed, only becauſe it does not bear the Title of a Play? Thus, my Lords, from the Precedent now before us, we ſhall be induced, nay we can find no Reaſon for refuſing to lay the Preſs under a general Licence, and then we may bid adieu to the Liberties of *Great Britain*.

But ſuppoſe, my Lords, it were neceſſary to make a new Law for reſtraining the Licentiouſneſs of the Stage, which I am very far from granting, yet I ſhall never be for eſtabliſhing ſuch a Power as is propoſed by this Bill. If Poets and Players are to be reſtrained, let them be reſtrained as other Subjects are, by the known Laws of their Country; if they offend, let them be tried as every *Engliſhman* ought to be, by God and their Country. Do not let us ſubject them to the arbitrary Will and Pleaſure of any one Man. A Power lodged in the Hands of one ſingle Man, to judge and determine, without any Limitation, without any Controul or Appeal, is a ſort of Power unknown to our Laws, inconſiſtent with our Conſtitution. It is a higher, a more abſolute Power than we truſt even to the King himſelf; and therefore I must think, we ought not to veſt any ſuch Power in his Majeſty's Lord Chamberlain. When I ſay this, I am ſure I do not mean to give the leaſt, the moſt diſtant Offence to the noble Duke who now fills the Poſt of Lord Chamberlain: His natural Candour and love of Juſtice, would not, I know, permit him to exerciſe any Power but with the ſtricteſt regard to the Rules of Juſtice and Humanity. Were we ſure his Succeſſors in that high Office would always be Perſons of ſuch diſtinguiſhed Merit, even the Power to be eſtabliſh'd by this Bill could give me no farther Alarm, than leſt it ſhould be made a Precedent for introducing other new Powers of the ſame Nature. This, indeed, is an Alarm which cannot be avoided, which cannot be prevented by any Hope, by any Conſideration; it is an Alarm which, I think, every Man muſt take, who has

has a due Regard to the Conſtitution and Liberties of his Country.

I ſhall admit, my Lords, that the Stage ought not upon any Occaſion to meddle with Politics, and for this very Reaſon, among the reſt, I am againſt the Bill now before us: This Bill will be ſo far from preventing the Stage's meddling with Politics, that I fear it will be the Occaſion of its meddling with nothing elſe; but then it will be a political Stage *ex parte*. It will be made ſubſervient to the Politics and Schemes of the Court only. The Licentiouſneſs of the Stage will be encouraged inſtead of being reſtrained; but, like Court-journaliſts, it will be licentious only againſt the Patrons of Liberty, and the Protectors of the People. Whatever Man, whatever Party oppoſes the Court in any of their moſt deſtructive Schemes, will, upon the Stage be repreſented in the moſt ridiculous Light the Hirelings of a Court can contrive. True Patriotiſm and Love of Public Good will be repreſented as Madneſs, or as a Cloak for Envy, Diſappointment and Malice; while the moſt flagitious Crimes, the moſt extravagant Vices and Follies, if they are faſhionable at Court, will be diſguiſed and dreſſed up in the Habit of the moſt amiable Virtues. This has formerly been the Caſe: —— In King *Charles* IId's Days the Play-houſe was under a Licence. What was the Conſequence?——The Play-houſe retaled nothing but the Politics, the Vices, and the Follies of the Court: Not to expoſe them; no——but to recommend them; tho' it muſt be granted their Politics were often as bad as their Vices, and much more pernicious than their other Follies. 'Tis true, the Court had, at that Time, a great deal of Wit; it was then indeed full of Men of true Wit and great Humour; but it was the more dangerous; for the Courtiers did then, as thorough-paced Courtiers always will do, they ſacrificed their Honour, by making their Wit and their Humour ſubſervient to the Court only; and what made it ſtill more dangerous, no Man could appear upon the Stage againſt them. We know that *Dryden*, the Poet Laureat of that Reign, always repreſents the Cavaliers as honeſt, brave, merry Fellows, and fine Gentlemen: Indeed his fine Gentleman, as he generally draws him, is an atheiſtical, lewd, abandoned Fellow, which was at that Time, it ſeems, the faſhionable Character at Court. On the other Hand, he always

ways repreſents the Diſſenters as hypocritical, diſſembling Rogues, or ſtupid ſenſeleſs Boobies.——When the Court had a mind to fall out with the *Dutch*, he wrote his *Amboyna*, in which he repreſents the *Dutch* as a Pack of avaritious, cruel, ungrateful Raſcals.——And when the Excluſion Bill was moved in Parliament, he wrote his *Duke of Guiſe*, in which thoſe who were for preſerving and ſecuring the Religion of their Country, were expoſed under the Character of the Duke of *Guiſe* and his Party, who leagued together, for excluding *Henry* IV. of *France* from the Throne, on account of his Religion.—The City of *London* too, was made to feel the partial and mercenary Licentiouſneſs of the Stage at that Time; for the Citizens having at that Time, as well as now, a great deal of Property, they had a mind to preſerve that Property, and therefore they oppoſed ſome of the arbitrary Meaſures which were then begun, but purſued more openly in the following Reign; for which Reaſon they were then always repreſented upon the Stage, as a Parcel of deſigning Knaves, diſſembling Hypocrites, griping Uſurers, and——Cuckolds into the Bargain.

My Lords, the proper Buſineſs of the Stage, and that for which only it is uſeful, is to expoſe thoſe Vices and Follies, which the Laws cannot lay hold of, and to recommend thoſe Beauties and Virtues, which Miniſters and Courtiers ſeldom either imitate or reward; but by laying it under a Licence, and under an arbitrary Court-licence too, you will, in my Opinion, intirely pervert its Uſe; for tho' I have the greateſt Eſteem for that noble Duke, in whoſe Hands this Power is at preſent deſigned to fall, tho' I have an intire Confidence in his Judgment and Impartiality; yet I may ſuppoſe that a leaning towards the Faſhions of a Court is ſometimes hard to be avoided.——It may be very difficult to make one who is every Day at Court believe that to be a Vice or Folly, which he ſees daily practiſed by thoſe he loves and eſteems.—By Cuſtom even Deformity itſelf becomes familiar, and at laſt agreeable.——To ſuch a Perſon, let his natural Impartiality be never ſo great, that may appear a Libel againſt the Court, which is only a moſt juſt and a moſt neceſſary Satyr upon the faſhionable Vices and Follies of the Court. Courtiers, my Lords, are too polite to reprove one another; the only Place where they can meet with any juſt Reproof, is a free, tho' not a licentious

licentious Stage; and as every Sort of Vice and Folly, generally in all Countries, begins at Court, and from thence ſpreads thro' the Country, by laying the Stage under an arbitrary Court-licence, inſtead of leaving it what it is, and always ought to be, a gentle Scourge for the Vices of Great Men and Courtiers, you will make it a Canal for propagating and conveying their Vices and Follies thro' the whole Kingdom.

From hence, my Lords, I think it muſt appear, that the Bill now before us cannot ſo properly be called a Bill for reſtraining the Licentiouſneſs, as it may be called a Bill for reſtraining the Liberty of the Stage, and for reſtraining it too in that Branch which in all Countries has been the moſt uſeful; therefore I muſt look upon the Bill as a moſt dangerous Encroachment upon Liberty in general. Nay farther, my Lords, it is not only an Encroachment upon Liberty, but it is likewiſe an Encroachment on Property. Wit, my Lords, is a Sort of Property: It is the Property of thoſe that have it, and too often the only Property they have to depend on. It is, indeed, but a precarious Dependance. Thank God! We——my Lords, have a Dependance of another Kind; we have a much leſs precarious Support, and therefore cannot feel the Inconveniencies of the Bill now before us; but it is our Duty to encourage and protect Wit, whoſoever's Property it may be. Thoſe gentlemen who have any ſuch Property, are all, I hope, our Friends: Do not let us ſubject them to any unneceſſary or arbitrary Reſtraint. I muſt own, I cannot eaſily agree to the laying of any tax upon Wit; but by this Bill it is to be heavily taxed,——it is to be exciſed;——for if this Bill paſſes, it cannot be retaled in a proper Way without a Permit; and the Lord Chamberlain is to have the Honour of being chief Gauger, Superviſor, Commiſſioner, Judge and Jury: But what is ſtill more hard, tho' the poor Author, the Proprietor I ſhould ſay, cannot perhaps dine till he has found out and agreed with a Purchaſer; yet before he can propoſe to ſeek for a Purchaſer, he muſt patiently ſubmit to have his Goods rummaged at this new Exciſe-office, where they may be detained for fourteen Days, and even then he may find them returned as prohibited Goods, by which his chief and beſt Market will be for ever ſhut againſt him; and that without any Cauſe, without the leaſt Shadow of Reaſon, either

from

from the Laws of his Country, or the Laws of the Stage.

These Hardships, this Hazard, which every Gentleman will be exposed to who writes any thing for the Stage, must certainly prevent every Man of a generous and free Spirit from attempting any thing in that way; and as the Stage has always been the proper Chanel for Wit and Humour, therefore, my Lords, when I speak against this Bill, I must think I plead the Cause of Wit, I plead the Cause of Humour, I plead the Cause of the *British* Stage, and of every Gentleman of Taste in the Kingdom: But it is not, my Lords, for the Sake of Wit only; even for the Sake of his Majesty's Lord Chamberlain, I must be against this Bill. The noble Duke who has now the Honour to execute that Office, has, I am sure, as little Inclination to disoblige as any Man; but if this Bill passes, he must disoblige, he may disoblige some of his most intimate Friends. It is impossible to write a Play, but some of the Characters, or some of the Satyr, may be interpreted so as to point at some Person or other, perhaps at some Person in an eminent Station: When it comes to be acted, the People will make the Application, and the Person against whom the Application is made, will think himself injured, and will, at least privately, resent it: At present this Resentment can be directed only against the Author; but when an Author's Play appears with my Lord Chamberlain's Passport, every such Resentment will be turned from the Author, and pointed directly against the Lord Chamberlain, who by his Stamp made the Piece current. What an unthankful Office are we therefore by this Bill to put upon his Majesty's Lord Chamberlain! an Office which can no way contribute to his Honour or Profit, and yet such a one as must necessarily gain him a great deal of ill will, and create him a number of Enemies.

The last Reason I shall trouble your Lordships with for my being against the Bill, is, that in my Opinion, it will no way answer the End proposed: I mean the End openly proposed, and, I am sure, the only End which your Lordships propose. To prevent the acting of a Play which has any Tendency to Blasphemy, Immorality, Sedition, or private Scandal, can signify nothing, unless you can likewise prevent its being printed and published

liſhed. On the contrary, if you prevent its being acted, and admit of its being printed and publiſhed, you will propagate the Miſchief: Your Prohibition will prove a Bellows which will blow up the Fire you intend to extinguiſh. This Bill can therefore be of no Uſe for preventing either the publick or the private Injury intended by ſuch a Play; and conſequently can be of no manner of Uſe, unleſs it be deſigned as a Precedent, as a leading Step towards another, for ſubjecting the Preſs likewiſe to a Licenſer. For ſuch a wicked Purpoſe it may, indeed, be of great Uſe; and in that Light, it may moſt properly be called a Step towards arbitrary Power.

Let us conſider, my Lords, that arbitrary power has ſeldom or never been introduced into any country at once. It muſt be introduced by ſlow degrees, and as it were ſtep by ſtep, leſt the people ſhould perceive its approach. The barriers and fences of the people's liberty muſt be plucked up one by one, and ſome plauſible pretences muſt be found for removing or hood-winking, one after another, thoſe ſentries who are poſted by the conſtitution of every free country, for warning the people of their danger. When theſe preparatory Steps are once made, the People may then, indeed, with Regret ſee Slavery and arbitrary Power making long Strides over their Land, but it will then be too late to think of preventing or avoiding the impending Ruin. The Stage, my Lords, and the Preſs, are two of our Out-ſentries; if we remove them, ——if we hood-wink them,——if we throw them in Fetters,——the Enemy may ſurprize us. Therefore I muſt look upon the Bill now before us as a Step, and a moſt neceſſary Step too, for introducing arbitrary Power into this Kingdom: It is a Step ſo neceſſary, that, if ever any future ambitious King, or guilty Miniſter, ſhould form to himſelf ſo wicked a Deſign, he will have Reaſon to thank us for having done ſo much of the Work to his Hand; but ſuch Thanks, or Thanks from ſuch a Man, I am convinced every one of your Lordſhips would bluſh to receive,——and ſcorn to deſerve.

By this bill, which paſſed both houſes, all copies of Plays, Farces, or any thing wrote in the dramatic way, are to lie before his Grace the Lord Chamberlain of his Majeſty's houſhold for the time being, for his Grace's peruſal and approbation, before they ſhall be exhibited on the ſtage.